

Figure SC850.F5. State UI Law Requirements Concening Back-Pay Awards

STATE UI LAW REQUIREMENT CONCERNING BACK-PAY AWARDS				
REGION	STATE	SESA SETS UP OVERPAYMENT	STATE LAW REQUIRES EMPLOYER TO RECOVER OVERPAYMENT	SESA DOES NOT CONSIDER BACK- PAY TO CAUSE OVERPAYMENT
I	Connecticut*		X	
	Maine	X		
	Massachusetts	X		
	New Hampshire*		X	
	Rhode Island			X
	Vermont	X		
II	New Jersey	X		
	New York	X		
	Puerto Rico	X		
	Virgin Islands	X		
III	Delaware*	X	X	
	D.C.	X		
	Maryland	X		
	Pennsylvania		X	
	Virginia	X		
	West Virginia		X	
IV	Alabama*		X	
	Florida	X		
	Georgia			X
	Kentucky	X		
	Mississippi*		X	
	North Carolina		X	
	South Carolina	X		
	Tennessee		X	
V	Illinois	X		
	Indiana		X	
	Michigan	X		
	Minnesota	X		
	Ohio	X		
	Wisconsin*	X		

STATE UI LAW REQUIREMENT CONCERNING BACK-PAY AWARDS--Continued

REGION	STATE	SESA SETS UP OVERPAYMENT	STATE LAW REQUIRES EMPLOYER TO RECOVER OVERPAYMENT	SESA DOES NOT CONSIDER BACK- PAY TO CAUSE OVERPAYMENT
VI	Arkansas*	X	X	
	Louisiana			X
	New Mexico	X		
	Oklahoma	X		
	Texas		X	
VII	Iowa*	X	X	
	Kansas	X		
	Missouri		X	
	Nebraska	X		
VIII	Colorado	X		
	Montana		X	
	North Dakota	X		
	South Dakota	X		
	Utah*		X	
	Wyoming	X		
I	X Arizona*		X	
	California*		X	
	Hawaii	X		
	Nevada		X	
	X Alaska*	X		
	Idaho*	X		
	Oregon*	X		
	Washington	X		

* See Explanatory Notes:

EXPLANATORY NOTES - BACK-PAY AWARDS

REGION I

Connecticut requires the employer to deduct Overpayment from back-pay award. However, State provides for recovery of overpayment from the claimant if the UI benefits are not deducted from the award.

New Hampshire requires employer to notify State in advance of award payment State then makes a determination which justifies employer to deduct UI benefits from award.

REGION III

Delaware will accept reimbursement from either employer or employee.

REGION IV

Alabama requires employer to deduct overpayment from back-pay award unless the award is the result of a National Labor Relations Board Decision or an award pursuant to 42 U.S.C.A. Section 2000 et seq. (Title VII, Civil Rights Act of 1964).

Mississippi requires the employer to deduct overpayment from back-pay award. However, State provides for recovery of overpayment from the claimant if the UI benefits are not deducted from the award.

REGION V

Wisconsin recovers overpayment from either employer or employee depending on manner in which warrant is written.

REGION VI

Arkansas law does not require employer to recover overpayments but provides that if an employer deducts UI benefits paid from a back-pay award, the employer must reimburse the State.

REGION VII

Iowa, at its discretion, may reach an agreement with the employer and employee on method of reimbursement of overpayment by deduction from award, offset from future benefits or cash restitution.

REGION VIII

Utah requires employee to reimburse UI benefits paid when claimant is at fault in the creation of the overpayment. In non-fault overpayments, employer is required to recover the overpayment; i.e. claimant has made an assignment to direct employer to reimburse overpayment for UI benefits paid.

REGION IX

Arizona requires the employer, with employee's approval, to reimburse the overpayment.

California provides the employer a choice whether to deduct UI benefits from the back-pay award.

REGION X

Idaho sets up an overpayment and back-pay is allocated to each week claimant worked (partial UI benefits). Otherwise, if the claimant did not work and claimed benefits, the back-pay would be reported as a lump sum in week received.

Alaska does not require employers to make deductions for UI benefits. However, if employer deducts, then employer is required to reimburse the State.

Oregon sets up an overpayment only if the claimant is reinstated.